

JUDGE ROBERT

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON,
AT SEATTLE

UNITED STATE OF AMERICA,)	Case No.: CR09-160-JLR
)	
Plaintiff,)	MOTION FOR EXTENSION OF TIME TO
)	FILE PRETRIAL MOTIONS AND TO
vs.)	CONTINUE TRIAL DATE
)	
HUMBERTO REYES-RODRIGUEZ, et. al.,)	NOTE ON MOTION CALENDAR: _
)	
Defendants.)	
)	

Through counsel, defendant Alexis Ikilikyan files this Motion for Extension of Time to File Pretrial Motions and to Continue the Trial Date. This Motion is joined by three of Ikilikyan's four co-defendants, through counsel, as indicated at the end of this Motion. *Pro se* Defendant William Poff does not join in this motion. The United States, through Assistant U.S. Attorney Sarah Y. Vogel, does not oppose this Motion.

I. Summary of Motion

A. Procedural Background and Current Deadlines

Humberto A. Reyes-Rodriguez, Alexis Ikilikyan, William Poff, Micki Thompson and Mario A. Marroquin were charged on May 21, 2009 in a two-count Indictment alleging Conspiracy to Commit Bank and Wire Fraud, in violation of 18 U.S.C. § 1349 and Conspiracy to Engage in Money Laundering, in violation of 18 U.S.C. § 1956 (h). Alexis Ikilikyan was arrested and first appeared in this District on June 3, 2009. At the arraignment, the Court set

June 26, 2009 as the deadline for filing pretrial motions, and scheduled trial for August 10, 2009. This is the first request for a continuance in this matter, and the parties have conferred with the Court's staff and confirmed that the preferred date, February 15, 2010, is available.

B. Status of Discovery and Nature of Case

This Indictment arose from a complex investigation conducted by federal and state agencies over a period of over one year. The investigation involved dozens of grand jury subpoenas for real estate documents, multiple search warrants, trash seizures, and an exhaustively detailed financial investigation. The discovery is voluminous. As of July 9, 2009 it included 6 disks of digital material including more than 900 pages of investigation reports and an estimated 49,000 pages of escrow and lender documents, financial reports, and seized search warrant documents. Based on a preliminary review, defendant anticipates a minimum of 20 potential witnesses that need to be interviewed and investigated prior to filing pre-trial motions.

The nature of the case is unusually complicated, involving multiple defendants alleged to have colluded with one another in detailed real-estate and banking fraud, as well as money laundering. The Indictment is 21 pages long and alleges approximately 80 overt acts. There are multiple alleged incidents of criminal behavior wherein each defendant allegedly plays multiple roles with variable connections to the alleged criminal endeavor. Likewise, there are tens of alleged victims associated with the alleged criminal enterprise. Wire Fraud and Money Laundering are inherently complicated charges both factually and legally, and the underlying evidence – often in the form of years of bank and other financial records – is not simple and requires significant time to review.

In addition, one defendant, William S. Poff, has indicated that he intends to represent himself in this matter. The United States has filed a request for the Court to conduct a *Faretta* hearing, which has not yet been held. If defendant Poff decides to retain counsel, particularly if

1 it is counsel different from the CJA-attorney who advised him informally at the outset of this
 2 case, new counsel will require additional time to review the material.

3 **C. Position of the Parties**

4 Counsel on behalf of Alexis Ikilikyan and the Government have been communicating
 5 with the attorneys listed below orally and/or in writing, and each has joined in this request for a
 6 continuance of both pretrial motions and the trial date. These defendants and their counsel all
 7 agree that based on the complicated nature of this case and the volume of discovery, a minimum
 8 of a six month delay is required for all parties to be prepared. Each of these counsel has
 9 indicated that her or his client will file a written waiver of speedy trial rights, waiving the right to
 10 a speedy trial through the end of February, 2010.

11 Specifically, we request that the Court find that, given the complexity of this case and the
 12 high potential penalty, and very large volume of discovery, along with the need for complete
 13 interpretation of complex business and financial documentation, additional time is necessary to
 14 provide our clients with adequate, effective and continued representation. Proceeding with the
 15 current trial and motions dates would result in a miscarriage of justice.

16 The United States concurs that a continuance of the trial date and the pretrial motions
 17 date is necessary to ensure adequate preparation of counsel, and agrees with these four
 18 defendants' request for a new trial date in February of 2010.

19 DATED: July 13, 2009.

20 **PADULA & ASSOCIATES, L.L.C.**

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 23 _____
 24 Elizabeth Padula, WSBA #24612
 25 Attorney for Defendant Alexis Ikilikyan

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